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Prt: (312) 277-2006  
FX: (312) 441-0570**FACSIMILE TRANSMISSION**TOTAL PAGES (Including Cover Page) 6DATE: 4/21/09Commissioner of Patents and Trademarks  
TO: Examiner: Refund Branch FROM: Robert J. Depke, Reg. No. 37,607FAX NO: (571) 273-8500MAIN FAX NO.: (312)441-0570  
ALTERNATE FAX NO: (312)876-1325*If you experience any difficulty with this transmission, please call (312) 277-2006 for assistance.***ORIGINAL COPY AND ENCLOSURES**WILL BE SENT BY MAIL COURIER☒ WILL NOT BE SENT**NOTES:**Inventor: Atsushi Kato  
Serial No.: 10/714,021  
Art Unit: 1773  
Filed: November 13, 2003  
Attorney Ref.: 075834.00447**CERTIFICATION OF FACSIMILE TRANSMISSION**I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile no. 1-571-273-8500 on 4/21/09

Robert J. Depke

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No.: 10/714,021  
Applicant: Atsushi Kato et al.  
Filed: November 13, 2003  
TC/A.U.: 1773  
Examiner: Kevin M. Bernatz  
Docket No.: 075834.0447

Confirmation No.: 1983

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REQUEST FOR REFUND

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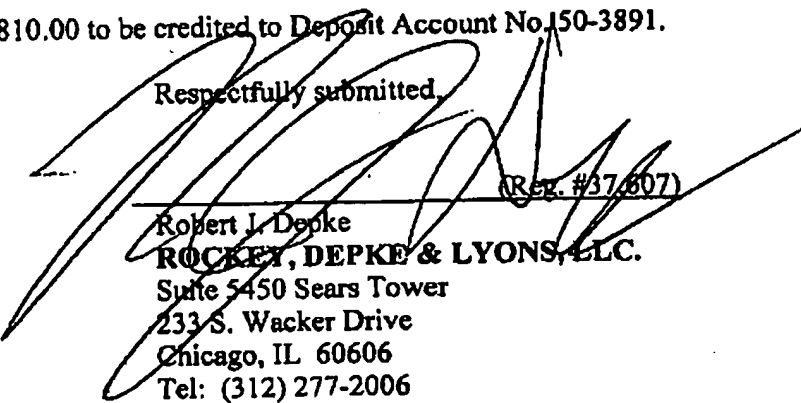
With regard to the above-noted application, Applicants hereby request a refund of \$810.00 to be credited to Deposit Account No. 50-3891.

On March 11, 2009, we filed an amendment in response to a final office action, including a request for continuing examination and a request for three-month extension. On March 13, 2009 our deposit account was accordingly charged the amount due of \$810.00 (USPTO Fee Code 1801) for the R.C.E. However, on March 16, 2009 our deposit account was charged again the amount of \$810.00 (USPTO Fee Code 1801). See copy of statement attached.

Therefore, please refund \$810.00 to be credited to Deposit Account No. 50-3891.

Respectfully submitted,

Date: 4/21/09

  
(Reg. #37,607)  
Robert J. Depke  
ROCKEY, DEPKE & LYONS, LLC.  
Suite 5450 Sears Tower  
233 S. Wacker Drive  
Chicago, IL 60606  
Tel: (312) 277-2006  
Attorney for Applicants

APR 21 2009

PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10714,021
	Filing Date	Nov 13, 2003
	First Named Inventor	Atsushi Kato et al.
	Art Unit	1773
	Examiner Name	Kevin M. Bernatz
Total Number of Pages in This Submission	Attorney Docket Number	075834.00447

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of March/2009 Deposit Account Statement
Remarks <b>The Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Rockey, Depke & Lyons, LLC.		
Signature			
Printed name	Robert J. Depke		
Date	4/21/09	Reg. No.	37,807

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Typed or printed name	Robert J. Depke
Date	4/21/09

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 Street Address 2:  
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 State: IL  
 Zip: 60606-6306  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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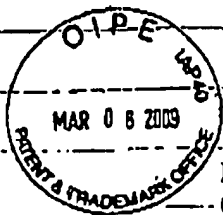
APR 21 2009

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Application 12/231,403



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**Request  
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Transmittal**Address to:  
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Application Number	10/714,021
Filing Date	11/13/2003
First Named Inventor	Atsushi Kato et al.
Art Unit	1773
Examiner Name	Kevin M. Bernatz
Attorney Docket Number	075834.00447

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees**
- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-3891. I have enclosed a duplicate copy of this sheet.
- a. ☒
- i. ☒ RCE fee required under 37 CFR 1.17(e) | 03/16/2009 SSESHE1 00000030 503891 10714021
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) | 01 FC:1801 810.00 DA
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	3/12/09
Name (Print/Type)	Robert J. Depke	Registration No.	37,607

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Signature		Date	3/12/09
Name (Print/Type)	Robert J. Depke		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Adjustment date: 04/30/2009 SDIRETA1  
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01 FC:1801 810.00 CR